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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,743	11/14/2002	Tony Gary Grabowski	201-1378	7515

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EXAMINER

COLETTA, LORI L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 03/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,743

Applicant(s)

GRABOWSKI ET AL.

Examiner

Lori L. Coletta

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,7,9,12,14,15,17,18,20,23 and 26-28 is/are rejected.
- 7) ☒ Claim(s) 2,5,8,10,11,13,16,19,21,22,24 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. ✓ The drawings are objected to because reference character **58** in Figure 5b needs to be changed to **--78--** and reference character **54** in Figure 5b needs to be changed to **--74--**.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

✓ The **arrow** [0027] is not shown in Figures 3a and 3b.

✓ Reference characters **83a-83c** [0034] are not shown in Figure 7.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

Reference characters [✓]**4** (Fig 1), [✓]**6** (Fig 1) and [✓]**70** (Figs 5a and 5b) are not mentioned in the description.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:

↓ “Housing cover 26” [0024] needs to be changed to --housing cover 28--.

✓ “Cup holders 46” [0025] needs to be changed to --cup holders 48--.

✓ “Support structure 62” [0033] needs to be changed to --support structure 52--.

Appropriate correction is required.

Claim Objections

5. Claims 12-22 are objected to because of the following informalities:

↓ Regarding claim 12, “said battery housing” (lines 7-8) needs to be changed to --said battery housing assembly--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3, 4, 6, 7, 9, 12, 14, 15, 17, 18, 20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Berkus 3,993,378.

Regarding claim 1, Berkus '378 discloses an assembly (10) for housing an electrical energy storage device (28); comprising a support structure (30) disposed within a vehicle passenger compartment for supporting the electrical energy storage device; a combined housing/console structure (12, 14, 15, 16 and 18) for concealing, at least partially, said support structure and the electrical energy storage device; and a housing cover (50), having at least one console feature (60), for mounting on said combined housing/console structure.

Regarding claim 3, Berkus '378 discloses the assembly, wherein said combined housing/console structure (12, 14, 15, 16 and 18) comprises at least one console feature (storage area) in Figure 2.

Regarding claim 4, Berkus '378 discloses the assembly, wherein said housing cover (50) comprises at least one ventilation opening (60) in Figure 7.

Regarding claim 6, Berkus '378 discloses the assembly, wherein said housing cover (50) comprises at least one side removably attached to the housing/console structure (12, 14, 15, 16 and 18) in Figure 2.

Regarding claim 7, Berkus '378 discloses the assembly, wherein said housing cover (50) is detachable from said housing/console structure (12, 14, 15, 16 and 18) in Figure 2.

Regarding claim 9, Berkus '378 discloses the assembly, further comprising means (50A and 42A) for affixing said housing cover (50) to said combined housing/console structure (12, 14, 15, 16 and 18) in Figure 7.

Regarding claim 12, Berkus '378 discloses an automobile battery housing assembly (10) comprising a battery support structure (30) disposed within a passenger compartment of an automobile; at least one battery unit (28) mounted on said battery support structure; a combined battery housing/console structure (12, 14, 15, 16 and 18) for concealing, at least partially, said battery support structure and said at least one battery unit; and a housing cover (50), having at least one console feature (60), for mounting on said battery housing.

Regarding claim 14, Berkus '378 discloses the battery housing assembly, wherein said combined battery housing/console structure comprises at least one console feature (storage area) in Figure 2.

Regarding claim 15, Berkus '378 discloses the battery housing assembly, wherein said housing cover (50) comprises at least one ventilation opening (60) in Figure 7.

Regarding claim 17, Berkus '378 discloses the battery housing assembly, wherein said housing cover (50) comprises at least one side removably attached to the housing/console structure (12, 14, 15, 16 and 18) in Figure 2.

Regarding claim 18, Berkus '378 discloses the battery housing assembly, wherein said housing cover (50) is detachable from said housing/console structure (12, 14, 15, 16 and 18) in Figure 2.

Regarding claim 20, Berkus '378 discloses the battery housing assembly, further comprising means (50A and 42A) for affixing said housing cover (50) to said combined housing/console structure (12, 14, 15, 16 and 18) in Figure 7.

Regarding claim 23, Berkus '378 discloses an automobile having dual battery systems, comprising a battery support structure (30) arranged within a passenger compartment of the automobile; at least one battery unit (28) corresponding to one of said battery systems mounted on said battery support structure; a combined battery housing/console structure (12, 14, 15, 16 and 18) for concealing, at least partially, said battery support structure and said at least one battery unit; and a housing cover (50), having at least one console feature (60), for mounting in said battery housing.

8. Claims 26 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Mahmood et al. 6,497,441.

Regarding claim 26, Mahmood et al. '441 discloses a cover (18) for a vehicle console structure (10), comprising at least one side removably attached to the console structure; and at least one surface having a vehicle console feature (30) in Figure 5.

Regarding claim 28, Mahmood et al. '441 discloses the cover (18), further comprising a fixedly attached to and in cooperation with the console structure (10) on one side such that said cover can be lifted and swung off the console structure to form an accessory support structure in Figure 3,

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made:

10. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mahmood et al. 6,497,441 in view of Iwai et al. 5,060,748.

Regarding claim 27, Mahmood et al. '441 discloses the cover but does not show said cover is detachable from the console structure.

Iwai et al. '748 teaches a detachable lid.

Regarding claim 27, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the cover of Mahmood et al. '441 detachable, as taught by Iwai et al. '748, in order to provide a portable diaper changing area.

Allowable Subject Matter

11. Claims 2, 5, 8, 10, 11, 13, 16, 19, 21, 22, 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter:

The combined housing/console structure comprises at least one ventilation opening (claims 2 and 13); the housing cover comprises a storage compartment (claims 5 and 16); the housing cover is fixedly attached to and in cooperation with said housing/console structure on one side such that said housing cover can be lifted and swung off said housing/console structure to form an accessory support structure (claims 8 and 19); the battery support structure is placed between second rows seats inside the passenger compartment (claim 24) and the battery support structure is placed between third row seats inside the passenger compartment (claim 25) are not taught nor is fairly suggested by the prior art of record.

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13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Andrew et al. US 2002/0047366 discloses a module for battery.

Kronner et al. 6,264,260 discloses a restraint for a battery under a vehicle seat.

Dignitti 6,186,250 discloses a battery retaining system for a children's ride on vehicle.

Scott 5,293,951 discloses a battery safe unit.

Leskovec 4,355,695 discloses a battery restraining device under a seat.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614.

The examiner can normally be reached on Monday-Friday 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1134.

Lori L. Coletta
Examiner
Art Unit 3612



Lori L. Coletta
March 20, 2003